

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

RAYMOND L. DOWNUM,)	
Register No. 176023,)	
)	
Plaintiff,)	
)	
v.)	No. 08-4207-CV-C-SOW
)	
STEVE LONG, Chairman, et al.,)	
)	
Defendants.)	

ORDER

On August 4, 2009, United States Magistrate Judge William A. Knox recommended dismissing plaintiff's claims. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C).

The court has conducted a de novo review of the record, including the exceptions filed by plaintiff on August 28, 2009. The issues raised in plaintiff's exceptions were adequately addressed in the report and recommendation. The court is persuaded that the recommendation of the Magistrate Judge is correct and should be adopted.

Inmates who file an appeal with the United States Court of Appeals for the Eighth Circuit are required to pay the full \$455.00 appellate filing fee, regardless of the outcome of the appeal. Henderson v. Norris, 129 F.3d 481, 484 (8th Cir. 1997). The filing of a notice of appeal is considered a consent by the inmate to allow prison officials to deduct an initial partial appellate filing fee and later installments from the prisoner's account.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of August 4, 2009, is adopted. [24] It is further

ORDERED that defendants' motion to dismiss is granted and plaintiff's claims are dismissed on res judicata grounds and for failure to state a claim on which relief may be granted. [16] It is further

ORDERED that plaintiff's motion for an extension of time, treated as one for leave to file out-of-time, his exceptions is granted. [25]

/s/ _____

SCOTT O. WRIGHT
Senior United States District Judge

Dated: September 23, 2009
Kansas City, Missouri